

Message Text

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TO SECSTATE WASHDC 2956

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E.O. 11652: N/A

TAGS: PFOR, PINS, UN

SUBJ: AD HOC COMMITTEE ON TERRORISM -- FINAL MEETING

REF: USUN 0878

1. SUMMARY: BEFORE AM MARCH 25 MEETING, CHAIRMAN (HOVEYDA) INFORMED PERSSON (SWEDEN) THAT WEOG DRAFT CONCLUSION TO REPORT OF COMMITTEE WAS UNACCEPTABLE TO ALGERIA, TUNISIA AND YUGOSLAVIA. HOVEYDA THEN AGAIN PRESENTED HIS ORIGINAL PROPOSAL. UK AND US FOUND THIS FORMULATION UNACCEPTABLE. CHAIRMAN THEN DRAFTED NEW TEXT BLENDING WEOG PROPOSAL WITH HIS ORIGINAL PROPOSAL. AM MARCH 25 MEETING WAS THEN CANCELLED TO PROVIDE TIME FOR CONSULTATION AND NEGOTIATION. AT LENGTHY PM MARCH 25 MEETING, COMMITTEE AGREED TO CONCLUSION OF COMMITTEE REPORT WITH NEW TEXT, WITH SOME CHANGES, BUT ONLY FOLLOWING SUBSTANTIAL AMOUNT EXPLANATIONS AND DISCUSSION. TEXT AS AGREED REFLECTS POINTS MADE DURING GENERAL DEBATE. END SUMMARY.

2. BEFORE AM MARCH 25 MEETING, CHAIRMAN (HOVEYDA) INFORMED VICE CHAIRMAN PERSSON (SWEDEN) THAT WEOG DRAFT CONCLUSION TO REPORT OF COMMITTEE (DATAFAXED TO CRAWFORD - IO/HR) UNCLASSIFIED

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WAS UNACCEPTABLE TO ALGERIA, TUNISIA, AND YUGOSLAVIA. CHAIRMAN THEN AGAIN PRESENTED HIS ORIGINAL PROPOSAL (DATAFAXED TO CRAWFORD - IO/HR). UK AND US INFORMED CHAIRMAN THAT ORIGINAL PROPOSAL WAS UNACCEPTABLE TO WEOG. CHAIRMAN THEN DRAFTED BLEND OF TWO TEXTS AND CALLED TOGETHER UK, US, TANZANIA, ALGERIA AND TUNISIA TO NEGOTIATE ON ITS. MOST OF TEXT WAS AGREED TO, BUT US

AND UK DID NOT ACCEPT FORMULATION IN FIRST SENTENCE PARA 2 THAT "THE AD HOC COMMITTEE REAFFIRMED THE INALIENABLE RIGHT TO SELF-DETERMINATION AND INDEPENDENCE OF ALL PEOPLES UNDER COLONIAL AND RASCIST REGIMES AND OTHER FORMS OF ALIEN DOMINATION, AND UPHELD THE LEGITIMACY OF THEIR STRUGGLE, IN PARTICULAR THE STRUGGLE OF NATIONA LIBERATION MOVEMENTS, IN ACCORDANCE WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER AND THE RELEVANT RESOLUTIONS OF THE ORGANS OF THE UNITED NATIONS." US AND UK ALSO RESERVED ON THIRD PARA OF CHAIRMAN'S PROPOSAL, SINCE THERE REMAINED DIFFICULTIES WITH TRANSLATION OF "DROIT COMMUN". CHAIRMAN CANCELLED AM MARCH 25 MEETING TO FACILITATE NEGOTIATIONS.

3. AFTER NEGOTIATIONS, WEOG MET. AUSTRIA SAIS COULD ACCEPT TEXT BUT SEVERAL MEMBERS (FRANCE AND CANADA) SAID THEY THOUGH IT WOULD BE VERY DIFFICULT FOR THEM TO ACCEPT ANY FORMULATION OF FIRST SENTENCE OF PARA TWO THAT SUGGESTED ALL THE SPEAKERS REAFFIRMED THE PRINCIPLE OF SELF-DETERMINATION IN THIS MANNER. JAPAN, WHICH WAS INVITED TO WEOG MEETING, ALSO HAD DIFFICULTIES WITH THIS FORMULATION. THEY THOUGHT THEY COULD ACCEPT THE NEW TEXT IF WORDING SAID THAT "MANY SPEAKERS," OR EVEN "MOST SPEAKERS," HAD REAFFIRMED THE RIGHT TO SELF-DETERMINATION IN THIS FASHION AND TEXT THEREBY REFLECTED LESS THAN CONSENSUS ON THIS POINT.

4. COMMITTEE RECOVERED AT PM MARCH 25 AND APPROVED WITHOUT SUBSTANTIAL COMMENT DOCUMENT A/AC.160/L.5, CONTAINING FIRST EIGHT PARAS OF COMMITTEE REPORT. THESE UNCLASSIFIED

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PARAS WERE ENTIRELY FACTUAL, PRESENTING THE TEXT OF RESOLUTION 31/102, THE MEMBERS OF THE COMMITTEE, THE MEMBERS OF THE BUREAU, THE DATES OF THE SESSION, AND THE STATES WHICH SPOKE.

5. CHAIRMAN NEXT PROPOSED TO COMMITTEE THAT HE WOULD READ THE NEW TEXT SENTENCE BY SENTENCE TO SEE IF COMMITTEE COULD ACCEPT IT. HE ALSO PROPOSED THAT NEW TEXT, IF ACCEPTED WOULD FORM CONCLUDING PARAS OF THE REPORT. HE ADDED THAT THE FULL SUMMARY RECORDS WOULD BE ANNEXED TO THE REPORT SO THAT ANY RESERVATIONS WITH RESPECT TO THE REPORT WOULD BE THERE IN CONTEXT. COMMITTEE AGREED TO THIS PROCEDURE. CHAIRMAN SAID HIS PROPOSED TEXT, WHILE NOT ALL INCLUSIVE, WAS INTENDED TO REFLECT ACCURATELY PORTIONS TAKEN IN GENERAL DEBATE. POINTS OMITTED IN REPORT WOULD BE IN SUMMARY RECORDS.

6. FIRST PARA OF NEW TEXT WAS ADOPTED WITHOUT COMMENT.

7. PARA TWO CAUSED LONG, ACRIMONIOUS DEBATE. WHEN CHAIRMAN READ OFF FIRST SENTENCE OF DRAFT AND ASKED ACCEPTANCE, US (WILSON) STRESSED THAT SENTENCE DID NOT ACCURATELY REFLECT DEBATE SINCE NOT ALL SPEAKERS HAD DONE WHAT WAS SUGGESTED BY THE SENTENCE. JAPAN AND FRANCE SUPPORTED US AND SAID THAT THEY COULD NOT ACCEPT A FORMULATION SUGGESTING UNANIMITY ON AFFIRMATION OF SELF-DETERMINATION IN THIS WORDING. ALGERIA, TANZANIA, CZECHOSLOVAKIA, TUNISIA AND USSR SAID THIS WAS COMPROMISE TEXT AND EXPRESSED SURPRISE THAT ANY MEMBER WOULD HAVE DIFFICULTY REAFFIRMING THE RIGHT OF SELF-DETERMINATION. TANZANIA SAID PRINCIPLE OF SELF-DETERMINATION WAS A FACT AND THAT IT DIDN'T MATTER IF ALL SPEAKERS HAD REFERRED TO IT SINCE ALL WERE SIGNATORIES OF UN CHARTER. NICARAGUA AND UK SAID STATEMENT OF UNANIMITY INACCURATE. ALGERIA THEN SAID IT DESIRED RESUBMIT ITS ORIGINAL PROPOSALS (REFTEL). CANADA ASKED FOR RECESS.

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8. DURING RECESS, FRANCE PROPOSED REFORMULATING SENTENCE ONE OF PARA TWO TO READ "THE AD HOC COMMITTEE GENERALLY REAFFIRMED THE INALIENABLE ..." YUGOSLAVIA ACCEPTED AND AGREED TO CONVINCE ALGERIA TO ACCEPT.

9. COMMITTEE RECONVENED AND ACCEPTED SENTENCE ONE WITH INSERTION OF WORD "GENERALLY", US SPOKE TO EXPLAIN THAT IT UNDERSTOOD "GENERALLY" TO MEAN THAT A GOOD NUMBER BUT NOT ALL MEMBERS OF THE COMMITTEE HAD "REAFFIRMED THE INALIENABLE RIGHT..."

10. NEXT TWO SENTENCES (SENTENCES TWO AND THREE) OF PARA 2 WERE ACCEPTED WITHOUT COMMENT.

11. WHEN COMMITTEE BEGAN CONSIDERATION OF SENTENCE FOUR OF PARA 2, USSR MOVED THAT LAST PHRASE, "TO PROTECT FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS", OR EVEN THE LAST SENTENCE, BE DELETED. ALGERIAN ASKED THAT PHRASE "IN THIS RESPECT." BE DELETED. CZECHOSLOVAKIA PROPOSED THAT PHRASE BE ADDED TO LAST SENTENCE ADDING "AND GUARANTEE NATIONAL SOVEREIGNTY". UK RESISTED ANY CHANGES SAYING THAT SENTENCE ONLY REPORTED WHAT SOME MEMBERS SAID AND DID NOT ASCRIBE THE VIEWS TO THE COMMITTEE IN GENERAL.
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CHAIRMAN MADE LENGTHY STATEMENT SAYING HE COULD NOT SUPPORT DELETION OF ANY THOUGHTS OF MEMBERS NOR WOULD BE SUPPORT ASCRIBING ANY VIEWS TO ANY MEMBERS WHICH DID NOT ACTUALLY HOLD THOSE VIEWS. US ENDORSED THIS. AS COMPROMISE, COMMITTEE AGREED TO DELTED PHRASE "IN THIS RESPECT" AND ADD A NEW SENTENCE AFTER SENTENCE FOUR: "SOME OTHER MEMBERS POINTED OUT THAT HUMAN RIGHTS MATTERS ARE IRRELEVANT TO THE MANDATE OF THE COMMITTEE AND STRESSED IN THIS CONNECTION THE RELEVANT PORTIONS OF THE UN CHARTER."

12. ONLY DIFFICULTY WITH PARA THREE WAS LACK OF ENGLISH TRANSLATION OF "RELEVANT DU DROIT COMMUN". CHAIRMAN SUGGESTED THAT COMMITTEE ACCEPT "THE COMMON LAW" FOR NOW AND THAT UN LEGAL COUNSEL WOULD WORK ON APPROPRIATE LANGUAGE WHICH WOULD BE SUBJECT TO APPROVAL OF COMMITTEE. COMMITTEE AGREED. AFTER DEBATE ON ENTIRE REPORT, US WENT ON RECORD THAT IN ITS OPINION, FIRST PART OF FIRST SENTENCE OF PARA THREE ENCOMPASSED ALL ACTS OF TERRORISM BY INDIVIDUALS OR GROUPS AND THAT ONLY DIVERGENCE OF VIEWS WAS AS TO WHETHER STATE ACTIONS COULD AMOUNT TO INTERNATIONAL TERRORISM. FRANCE THEN SPOKE ALONG LINES CONFIRMING THIS VIEW.

13. PARA 4 WAS ACCEPTED WITHOUT CHANGE.

14. USSR SUGGESTED ADDITION OF NEW PARA BETWEEN PARAS FOUR AND FIVE. COMMITTEE ACCEPTED SUGGESTION. USSR HAD INFORMED US OF THEIR INTENTIONS TO MAKE THIS PROPOSAL AND HAD CONSULTED FULLY. TEXT IN PARA 5 UNDER PARA 17 BELOW.

15. PARA 6 WAS ACCEPTED WITH ADDITION OF "BY SOME MEMBERS"
ADDED TO END.

16. PARA 7 ACCEPTED WITHOUT COMMENT. US THEN MADE STATE-
MENT REFERRED TO IN PARA 12 ABOVE.

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17. FOLLOWING IS ACCEPTED TEXT FOR CONCLUDING PARAS OF
COMMITTEE REPORT:

QUOTE: BEGIN TEXT.

(1) THE AD HOC COMMITTEE ON INTERNATIONAL TERRORISM HELD A
GENERAL DEBATE ON THE SUBJECTS OUTLINED IN ITS MANDATE. THE
VIEWS OF THE DELEGATIONS ARE SET OUT IN THE SUMMARY RECORDS OF
THE SESSION. THE DEBATE REVEALED THAT THE MEMBERS OF THE AD
HOC COMMITTEE SHARED THE CONCERN OF THE INTERNATIONAL COMMUNITY
AT THE DEVELOPMENT OF INTERNATIONAL TERRORISM.

(2) THE AD HOC COMMITTEE GENERALLY REAFFIRMED THE INALIENABLE
RIGHT TO SELF-DETERMINATION AND INDEPENDENCE OF ALL PEOPLES
UNDER COLONIAL AND RACIST REGIMES AND OTHER FORMS OF ALIEN
DOMINATION, AND UPHELD THE LEGITIMACY OF THEIR STRUGGLE, IN
PARTICULAR THE STRUGGLE OF NATIONAL LIBERATION MOVEMENTS, IN
ACCORDANCE WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER
AND THE RELEVANT RESOLUTIONS OF THE ORGANS OF THE UNITED
NATIONS. IN THIS REGARD, SOME MEMBERS SAID THAT THERE COULD
BE NO EXCEPTION TO THE CONDEMNATION AND SUPPRESSION OF
INTERNATIONAL TERRORIST ACTIVITIES AND THEY REFERRED TO THE
RIGHT TO LIFE, LIBERTY AND SECURITY OF INDIVIDUALS ENUNCIATED
IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. OTHER MEMBERS
CONSIDERED THAT THE TERRORIST METHODS USED BY CERTAIN GOVERN-
MENTS AND CERTAIN STATES SHOULD CONSTITUTE ONE OF THE CATEGORIES
OF ACTS WHICH THREATEN THE LIVES OF INNOCENT PEOPLE AND THEREFORE
CAME WITHIN THE GENERAL CONDEMNATION OF TERRORISM. IN THIS
RESPECT, SOME MEMBERS EXPRESSED THAT THIS MATTER AMONG OTHERS
HAD LONG BEEN THE CONCERN OF THE INSTRUMENTS AND MECHANISMS
WHICH HAD BEEN ADOPTED BY THE UNITED NATIONS TO PROTECT
FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS. SOME OTHER MEMBERS
POINTED OUT THAT HUMAN RIGHTS MATTERS ARE IRRELEVANT TO THE
MANDATE OF THE COMMITTEE AND STRESSED IN THIS CONNECTION THE
RELEVANT PORTIONS OF THE UN CHARTER.

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(3) ALTHOUGH THE NEED TO CONDEMN AND REPRESS ACTS OF INTERNATIONAL TERRORISM FALLING WITHIN "THE COMMON LAW" (RELEVANT DU DROIT COMMUN) IS OBVIOUS, THERE WAS DIVERGENCE OF VIEWS AS TO WHAT OTHER ACTS SHOULD BE INCLUDED IN THE EXPRESSION OF "INTERNATIONAL TERRORISM". SOME DELEGATIONS REAFFIRMED THE VIEW THAT CONDEMNATION AND REPRESSION OF INTERNATIONAL TERRORISM SHOULD TAKE PLACE WITHOUT ANY QUALIFICATION.

(4) SOME DELEGATIONS, WHILE RECOGNIZING THAT THE CAUSES OF TERRORISM ARE ALREADY BEING STUDIED AND THAT FURTHER STUDY COULD PROFITABLY BE GIVEN TO THEM, ALSO EMPHASIZED THAT IF THE UNITED NATIONS WERE TO MAKE PROGRESS IN THE MORE IMMEDIATE FUTURE IN COMBATTING INTERNATIONAL TERRORISM, IT WAS NECESSARY TO CONCENTRATE ON SPECIFIC CATEGORIES OF ACTS WHICH THREATENED THE LIVES OR SAFETY OF INNOCENT INDIVIDUALS AND TO EVOLVE PRACTICAL INTERNATIONAL, AND CONCERTED NATIONAL, ACTION TO DEAL WITH THESE CATEGORIES OF ACTS. THE OTHER MEMBERS, DRAWING ATTENTION TO THE COMMITTEE'S MANDATE, EXPRESSED THE VIEW THAT ONLY A PRECISE DEFINITION OF THE ACTS TO BE CONDEMNED AND IN-DEPTH STUDY OF THE UNDERLYING CAUSES OF TERRORISM COULD REMOVE THE MISUNDERSTANDINGS WHICH HAD SO FAR BLOCKED ANY EFFECTIVE ACTION BY THE INTERNATIONAL COMMUNITY. THE DELEGATIONS IN QUESTION ADDED THAT PARTIAL

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MEASURES TAKEN WITHOUT REGARD TO THOSE PREREQUISITES WOULD MERELY AGGRAVATE EXISTING DIVERGENCES AND PREVENT ANY PROGRESS FROM BEING MADE.

(5) SOME MEMBERS POINTED OUT THE IMPORTANCE OF MEASURES TO BE TAKEN AGAINST ACTS OF INTERNATIONAL TERRORISM AT THE NATIONAL LEVEL. IN THIS CONNECTION THEY STRESSED SPECIAL RESPONSIBILITY

OF STATES TO ENSURE NORMAL CONDITIONS FOR FUNCTIONING OF
DIPLOMATIC AND OTHER REPRESENTATIONS AND TO TAKE EFFECTIVE
MEASURES TO PREVENT TERRORIST ACTS AGAINST THEM. THESE MEMBERS
ALSO STRESSED THAT MEASURES SHOULD BE TAKEN BY THE PROPER
AUTHORITIES OF STATES TO PROHIBIT UNLAWFUL ACTIVITIES OF THE
ORGANIZATIONS OR GROUPS THAT INCITE, ENCOURAGE AND ENGAGE IN
PERPETRATION OF TERRORIST ACTS AGAINST THE DIPLOMATIC AND
OTHER FOREIGN REPRESENTATIONS AND THEIR PERSONNEL.

(6) THE IMPORTANCE OF STATES BECOMING PARTIES TO THE CONVENTIONS
WHICH HAVE ALREADY BEEN DRAFTED FOR THE PROTECTION OF INDIVIDUALS,
FROM WHATEVER SOURCE THEY ARE THREATENED, WAS ALSO STRESSED BY
SOME MEMBERS.

(7) THE MEMBERS OF THE COMMITTEE HELD THE VIEW THAT THE GENERAL
ASSEMBLY MUST CONTINUE ITS EFFORTS WITH A VIEW TO COMBATTING
INTERNATIONAL TERRORISM. THEY ALSO STRESSED THE NEED FOR
INTERNATIONAL COOPERATION TO TACKLE THIS PROBLEM ON THE ONE
HAND BY STUDYING ITS UNDERLYING CAUSES AND ON THE OTHER HAND
BY PUTTING INTO PRACTICE MEASURES TO COMBAT TERRORISM.

END TEXT. UNQUOTE.
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